
**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

LARRY KIRKBRIDE,

Plaintiff,

v.

TEREX USA, LLC, TEREX
CORPORATION, and DOES 1
THROUGH 5,

Defendants.

**MEMORANDUM DECISION AND
ORDER CLARIFYING RULING ON
PLAINTIFF'S WITNESSES
(ECF No. 173)**

Case No. 2:10-cv-660-TC-EJF

District Judge Tena Campbell

Magistrate Judge Evelyn J. Furse

The Court clarifies its ruling on Plaintiff Larry Kirkbride's witnesses (ECF No. 158) as follows.

Defendant Terex USA, LLC (Terex) Objected to Mr. Kirkbride's use of general designations in his Rule 26(a)(3)(A)(i) Pretrial Witness Disclosures. (ECF No. 111.) In this Court's Order overruling in part and sustaining in part Terex's objections (ECF No. 158), the Court found Mr. Kirkbride's general designations insufficient because they failed to provide sufficient notice to the opposing party of witnesses he intended to call. Shortly after that Order, Mr. Kirkbride amended his Rule 26(a)(3)(A)(i) disclosures to identify a specific representative of the Utah Worker's Compensation Fund, Deb Meyer, to testify to authenticity of documents. (*See* ECF No. 136.) Because Mr. Kirkbride promptly amended his disclosures and Terex has not raised a new ground for objection, the Court allows the modification to Mr. Kirkbride's witness list.

DATED this 11th day of September, 2013.

BY THE COURT:

A handwritten signature in black ink, reading "Evelyn J. Furse", written over a horizontal line.

Evelyn J. Furse
United States Magistrate Judge